

**REMARKS**

In response to the Office Action mailed May 22, 2006, in connection with the above-identified application, Applicant's elect, with traverse, the following species:

R and R', a radical of C<sub>18</sub>H<sub>37</sub>, as in Examples 1 and 2;

X, quaternary amine -R<sub>2</sub>-N<sup>+</sup>(R<sub>3</sub>)(R<sub>1</sub>)-;

X', quaternary amine -N<sup>+</sup>(R<sub>3</sub>)(R<sub>1</sub>)-R<sub>2</sub>-;

L, L' and L'', -Z-CO-NH-R<sub>4</sub>-NH-CO-Z-, wherein R<sub>4</sub> = methylenedicyclohexyl as in the Examples, and wherein Z = O, as in the Examples;

P and P', n and p each have the value 0, P and P' do not exist in the polyurethane of formula (I); and

Y, a radical of polyethylene glycol, as in the Examples.

The grounds for traversal are as follows:

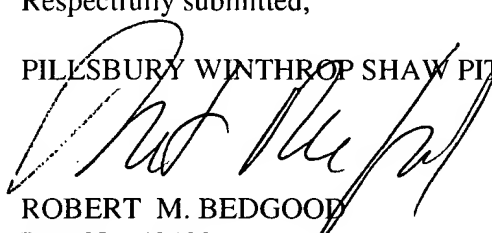
On March 1, 2004, the claims were subject to an election of species requirement. Applicants elected a species for prosecution in a Response filed September 7, 2004 (A supplemental Response was filed September 20, 2004 to provide a signed copy). In the Office Actions mailed December 13, 2004, and August 24, 2005, the Patent Office acknowledged that the scope of the claims to the extent that they read upon the elected species were free of the prior art. A search of the claims prior to the new restriction requirement has therefore already been performed. Consequently, there is no undue burden for the Patent Office to examine the full scope of the claims prior to the new restriction requirement and, therefore, the new restriction requirement is improper and should be withdrawn.

MOUGIN ET AL. -- 09/904,516  
Attorney Docket: 012237-0281573

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975, Attorney Docket No. 012237-0281573. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10\***

(When using Express Mail, the Express Mail label number is *mandatory*; Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 17, 2006

  
Signature

PATRICIA MUNOZ

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.